

REMARKS

The Official Action dated February 13, 2006, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claims 1, 3-24, and 26-41 are active in the present application, claims 2 and 25 having been previously cancelled. Claims 1, 16 and 17 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to the use of the terms “exceptional,” “inadequate,” and “long wait.” Claims 3 and 26 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 1, 3-24 and 26-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,574,603 issued to Dickson et al. Objections to the drawings and claims were also presented.

Drawing Objections

Applicant has amended the specification to correct errors the following errors: on page 7, line 23, “step 535” has been changed to “step 540” and on page 8, line 5, “step 550” has been changed to “step 545.”

The Applicant respectfully traverses the drawing objection presented in the first paragraph of page 4 of the Official Action. Applicant has reviewed Figure 6 and the discussion of Figure 6 presented on page 8 of the present application and fails to see where the reference numeral “610” has been used to designate anything other than temporary memory storage components, e.g., volatile and non-volatile memory modules. Applicant acknowledges that reference numerals have not been provided for the memory controller and interface shown in Figure 6, but these elements are not discussed in the specification.

No replacement drawings are believed to be required with this response as the drawing objections are overcome by the amendments to the specification and the traversal presented above.

Claim Objections

Applicant has made numerous modifications to the claims to address the objections to the claims presented in the Official Action. It is believed that the objections to the claims have been overcome by the foregoing amendments to the claims.

Rejection of claims 1, 16 and 17 under 35 U.S.C. §112, second paragraph

Claim 16 has been amended to change the phrase “rewarding the customer with compensation for enduring a long wait” to “rewarding the customer with compensation.” It is believed that the removal of the unnecessary text “for enduring a long wait” overcomes the rejection of claim 16 under 35 U.S.C. §112, second paragraph, while having no effect on the scope of the claim.

Claim 17 has been amended to change the phrase “rewarding an employee of the service establishment for providing exceptional service” to “rewarding an employee of the service establishment.” It is believed that the removal of the unnecessary text “for providing exceptional service” overcomes the rejection of claim 17 under 35 U.S.C. §112, second paragraph, while having no effect on the scope of the claim.

Claims 1 and 24 have been amended to replace the term “inadequate” with “below a quality-of-service threshold.” It is believed that the rejection of claim 1 under 35 U.S.C. §112, second paragraph, is overcome by this amendment to the claim.

Rejection of claims 3 and 26 under 35 U.S.C. §112, first paragraph

The rejection of claims 3 and 26 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement is respectfully traversed. The

language “the amount of time taken to serve the customer” is included in claims 3 and 26 as originally filed and is believed to be readily understood by one skilled in the art.

Rejection of claims 1, 3-24 and 26-41 under 35 U.S.C. §103(a)

The rejection of claims 1, 3-24 and 26-41 under 35 U.S.C. §103(a) as being unpatentable over Dickson et al is respectfully traversed. In the discussion of independent claims 1, 23 and 24, the Official Action cites column 17, lines 18-37, and column 18, line 62 through column 19, line 13 as teaching the steps of (1) assessing the quality-of-service received by the customer during the visit; and (2) deciding that the quality-of-service was inadequate. The referenced sections of Dickson et al. are provided below.

Column 17, lines 18-37, recites:

Once the order is placed, received and associated with the transponder in normal fashion (blocks 500-510), indicia of the order is transmitted to the transponder (block 528) and the transaction is effected (block 530) in normal fashion. At this point, the customer position detector 46 will monitor for the presence of a transponder via the interrogator 62 (blocks 532 and 534). Once a transponder is detected, the customer position detector 46 will forward the transponder indicia to the food preparation area 40 through the QSR controller 108. This allows for the food preparation operators to timely prepare a customer order based on the customer's approach to the pick-up window (block 536). This information may also be sent to the pick-up operator to indicate customer position. The customer will proceed along the drive-thru lane until the pick-up window is approached where the transponder is detected by the order pick-up interrogator 58 (blocks 516 and 518). The transponder ID or indicia is received by the QSR electronics, and the operator is

informed of the order corresponding to the customer at the window (blocks 522-526).

Column 18, line 62 through column 19, line 13 recites:

Once the identification indicia, order and financial information are transmitted, it is ultimately received by communication electronics associated with the QSR's order processing system (block 514). As noted, the information may be directly or indirectly transmitted via any type of ground-based or satellite communication network. Furthermore, information may be received at a fuel dispenser, near a fuel dispenser, or directly by the quick-serve restaurant. At this point, the order is sent to a food preparation terminal for processing (block 516). The order is processed and payment is effected, preferably by authorizing payment via a remote authorization or transaction authority (block 518). As discussed below, the order may be processed immediately or delayed based on the location of the vehicle to ensure the order is timely processed. Next, an order confirmation, order total and/or order ID is transmitted to the IVC (block 520). The IVC will ultimately receive and store the confirmation, order totals and/or order ID (block 522). This information may also be displayed to the occupant in the vehicle (block 524).

The excerpts provided above describe the operation of an in-vehicle ordering system. Column 17, lines 18-37, describes a process for monitoring the approach and location in a drive-thru lane of a customer. Column 18, line 62 through column 19, line 13, describes a process for directing an order to a food preparation terminal, and processing the food order and payment for the order.

Nowhere in the excerpts provided above, does Dickson et al. teach or suggest the steps of (1) assessing the quality-of-service received by the customer during the visit; and (2) deciding that the quality-of-service was inadequate. The referenced sections describe order placement and processing, but include no

teaching concerning quality-of-service. It is accordingly believed that claims 1, 23 and 24, as well as the claims which depend therefrom, are patentable over Dickson et al.

In the discussion of independent claims 15 and 36, the Official Action cites column 17, lines 18-37; column 22, lines 12-28, and Figure 11C as teaching steps for initiating and completing a time-monitoring sequence. Column 17, lines 18-37 has been set forth and discussed above. Column 22, lines 12-28 recites:

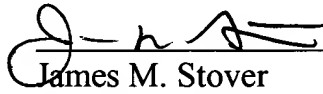
The basic operation of this embodiment begins (block 400) by alternately transmitting from the top and mid-mount antennas (block 402). The central control system 50 or dispenser control system 80 will monitor for responses from transponders within one of the interrogation fields (block 404). The control system will continue to monitor for a transponder response until a signal from a transponder is received (block 406). The control system will next determine from which transmission field the transponder is responding (block 408). In this embodiment, where the transmission fields alternate, the control system will simply determine if a transponder response was received during a time period when the top or overhead-mount antennas were generating the interrogation field or if the response occurred during the time the mid-dispenser transmit antenna 251 was generating the interrogation field.

The excerpt for Dickson et al. provided above describes a process for monitoring the location and position of a transponder using multiple antennas which alternate sending interrogation signals. Each antenna sends interrogation signals during a different time period. The position of the transponder is determined by identifying the interrogation time period when contact is made with the transponder.

The operation described in column 22 is clearly different than the process recited in claims 15 and 36. The excerpts of Dickson et al. provided above do not teach or suggest a method or system for use by a service establishment in measuring a customer's wait-time in a service lane which includes steps for the steps for initiating and completing a time-monitoring sequence. It is accordingly believed that claims 15 and 36, as well as the claims which depend therefrom, are patentable over Dickson et al.

In view of the foregoing amendments and remarks, it is believed that the application is in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,


James M. Stover
Reg. No. 32,759

Intellectual Property Section
Law Department
NCR Corporation
1700 South Patterson Blvd.
Dayton, Ohio 45479-0001

Tel. No. (937) 445-7663
Fax No. (937) 445-6794